

SEALED United States District Court
Northern District of Texas

In the Matter of the Search of

(Name, address or Brief description of person, property or premises to be searched)

Stored electronic data for Facebook User
www.facebook.com/cristian.ramirez.58173 and
www.facebook.com/100000100064598 (the Accounts)
1601 Willow Road, Menlo Park CA 94025

**APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT**

CASE NUMBER:

3-13MJ863-BK

I Carlos Hernandez being duly sworn depose and say:

I am a(n) Special Agent with the Drug Enforcement Administration (DEA) and have reason to believe that on the property or premises known as stored electronic data for Facebook User www.facebook.com/cristian.ramirez.58173 and www.facebook.com/100000100064598 (the Accounts) 1601 Willow Road, Menlo Park CA 94025

in the Central District of California
there is now concealed a certain person or property, namely (describe the person or property to be seized)

(See Attachment A and B of the affidavit)

which is

property that constitutes evidence of the commission of a criminal offense; or contraband, the fruits of crime, or things otherwise criminally possessed; or property designed or intended for use or which is or has been used as the means of committing a criminal offense.


concerning a violation of Title 21 United States Code, Section(s) 841(b)(1)(A) and 846. The facts to support a finding of Probable Cause are as follows:

See attached affidavit of Carlos Hernandez.

Continued on the attached sheet and made a part hereof.

☒ Yes

No


Carlos Hernandez
Signature of Affiant

Sworn to before me, and subscribed in my presence

Date: December 16th, 2013

Irma C. Ramirez, United States Magistrate Judge
Name and Title of Judicial Officer

at Dallas, Texas
City and State


Signature of Judicial Officer

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Carlos R. Hernandez, being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I make this affidavit in support of an application for a search warrant for information associated with certain Facebook user accounts that are stored at premises owned, maintained, controlled, or operated by Facebook, a social networking company headquartered Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession pertaining to the subscriber or customer associated with the user ID.

2. I am an "investigative or law enforcement officer of the United States" within the meaning of 18 U.S.C. § 2510(7); that is, I am an officer of the United States who is authorized by law to conduct investigations and make arrests for offenses enumerated in 18 U.S.C. § 2516. I have been employed as a Special Agent with the United States Department of Justice, Drug Enforcement Administration (DEA), Dallas Field Division, since August 1997. Prior to working for the DEA, I was employed as a Special Agent with the United States Air Force Office of Special Investigations for over seven years. I am currently assigned to the North Texas High Intensity Drug Trafficking Area. I have received extensive training on how to conduct narcotics investigations and have participated in these types of investigations for the past fifteen years. I have used a variety of methods to investigate narcotic organizations including, but not limited to,

electronic surveillance, visual surveillance, general questioning of witnesses, the use of search warrants, the use of confidential informants, the use of pen registers, and the use of undercover agents. I have also received specialized training in Title-III interceptions from the DEA.

3. I am familiar with the facts and circumstances of the investigation set forth below through my personal participation; from discussions with other federal agents and local law enforcement officers; and from my review of records and reports relating to the investigation.

4. I am currently conducting an investigation involving the online activities www.facebook.com/cristian.ramirez.58173 and www.facebook.com/100000100064598 (**the Accounts**). There is probable cause to believe that Margarito Maldonado-Ramirez used **the Accounts** in furtherance of violations of federal law, including 21 U.S.C. §§ 841(a)(a), 21 USC 843, 21 USC 846, 18 USC 2252 and 18 USC 2252(A), and that evidence, fruits, and instrumentalities of those violations (as described in Attachment B) will be found therein.

PROBABLE CAUSE

5. Affiant has been investigating the drug-trafficking activities of Margarito Maldonado-Ramirez a/k/a Cristian Ramirez and his drug-trafficking organization suspected to be distributing multi-pound and ounce quantities of methamphetamine in the Dallas, Texas area. On September 25, 2013, Margarito Maldonado-Ramirez was arrested based on federal complaint #3:13-MJ-639-BF, in the Northern District of Texas, Dallas, Texas.

6. In the weeks preceding his arrest, telephones used by Maldonado-Ramirez were subject to court-authorized wire intercepts. The organization used bank accounts and wire transfers to move drug proceeds back to Mexico. During these wiretaps, Maldonado-Ramirez

was frequently sent text messages containing the names and account numbers he was to use to launder drug proceeds. Requests for photographs of vehicles being used to satisfy drug debts and documents related to real property for similar purposes were also made during the interceptions.

7. On September 26, 2013, following the execution of a search warrant at 11330 Amanda Lane, Apt #710-II, Dallas, Texas, a residence known to be visited by Maldonado-Ramirez, approximately 1,750 grams of suspected methamphetamine was found, seized and submitted to the DEA South Central Laboratory, Dallas, Texas, for analysis and safekeeping. A field test of the substance seized from the apartment indicated positive for the presence of methamphetamine.

8. Affiant knows from his experience and training that individuals engaged in drug trafficking activities such as Maldonado-Ramirez often send and receive email and text messages regarding narcotics sales, make and receive telephone calls regarding narcotics sales and take photographs and videos of themselves possessing narcotics, firearms, U.S. currency, and associating with co-conspirators.

9. On October 25, 2013, Jesus Carlos Rueda was arrested for possession of over 500 grams of methamphetamine. An examination of photographs from target account www.facebook.com/cristian.ramirez.58173 shows Rueda and Maldonado-Ramirez together in a vehicle driven by Rueda. The account also has pictures of Rueda and Maldonado-Ramirez in bleachers at an event with two unknown individuals believed to be co-conspirators. The other Facebook account, www.facebook.com/100000100064598, again shows Maldonado-Ramirez with the same two unknown individuals at another outdoor event.

10. On October 25, 2013 a preservation letter was sent to Facebook for both accounts.

11. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

12. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

13. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

14. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook

users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create “lists” of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

15. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post “status” updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming “events,” such as social occasions, by listing the event’s time, location, host, and guest list. In addition, Facebook users can “check in” to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user’s profile page also includes a “Wall,” which is a space where the user and his or her “Friends” can post messages, attachments, and links that will typically be visible to anyone who can view the user’s profile.

16. Facebook has a Photos application, where users can upload an unlimited number of albums and photos. Another feature of the Photos application is the ability to “tag” (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook’s purposes, the photos associated with a user’s account will include all photos uploaded by that user that have not been deleted, as well as all photos uploaded by any user that have that user tagged in them.

17. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient’s “Inbox” on

Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a Chat feature that allows users to send and receive instant messages through Facebook. These chat communications are stored in the chat history for the account. Facebook also has a Video Calling feature, and although Facebook does not record the calls themselves, it does keep records of the date of each call.

18. If a Facebook user does not want to interact with another user on Facebook, the first user can “block” the second user from seeing his or her account.

19. Facebook has a “like” feature that allows users to give positive feedback or connect to particular pages. Facebook users can “like” Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become “fans” of particular Facebook pages.

20. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

21. Each Facebook account has an activity log, which is a list of the user’s posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as “liking” a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user’s Facebook page.

22. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs (“blogs”), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

23. The Facebook Gifts feature allows users to send virtual “gifts” to their friends that appear as icons on the recipient’s profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other “pokes,” which are free and simply result in a notification to the recipient that he or she has been “poked” by the sender.

24. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

25. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user’s access or use of that application may appear on the user’s profile page.

26. Facebook uses the term “Neoprint” to describe an expanded view of a given user profile. The “Neoprint” for a given user can include the following information from the user’s profile: profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends’ Facebook user identification numbers; groups and networks of which the user is a member, including the groups’ Facebook group identification numbers; future and past event postings; rejected “Friend” requests; comments; gifts; pokes; tags; and information about the user’s access and use of Facebook applications.

27. Facebook also retains Internet Protocol (“IP”) logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a

Facebook profile, that user's IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

28. Social networking providers like Facebook typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

29. Therefore, the computers of Facebook are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

30.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

31. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B.

Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

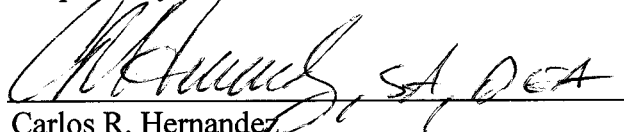
CONCLUSION

32. Based on the forgoing, I believe that probable cause exists that **the Account** contains evidence, fruits, and/or instrumentalities of the violations of federal law articulated above and request that the Court issue the proposed search warrant.

33. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is "a district court of the United States . . . that has jurisdiction over the offense being investigated, specifically, 21 U.S.C. § 841(a)(1), 21 U.S.C. § 843, and 21 U.S.C. § 846 .

34. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

Respectfully submitted,



Carlos R. Hernandez
Special Agent
United States Department of Justice
Drug Enforcement Administration(DOJ/DEA)

Subscribed and sworn to before me on Dec. 16, 2013



HON. RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Facebook user IDs www.facebook.com/cristian.ramirez.58173 and www.facebook.com/100000100064598 (the Accounts) that are stored at premises owned, maintained, controlled, or operated by Facebook, a company headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact and personal identifying information, including : full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (b) All photos uploaded by that user ID and all photos uploaded by any user that have that user tagged in them;
- (c) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;

- (d) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending “Friend” requests;
- (e) All “check ins” and other location information;
- (f) All IP logs, including all records of the IP addresses that logged into the account;
- (g) All records of the account’s usage of the “Like” feature, including all Facebook posts and all non-Facebook webpages and content that the user has “liked”;
- (h) All information about the Facebook pages that the account is or was a “fan” of;
- (i) All past and present lists of friends created by the account;
- (j) All records of Facebook searches performed by the account;
- (k) All information about the user’s access and use of Facebook Marketplace;
- (l) The types of service utilized by the user;
- (m) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (n) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;

- (o) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 21 U.S.C. §§ 841(a)(a), 843, 21 USC 846, 18 USC 2252 and 18 USC 2252(A) involving Margarito Maldonado-Ramirez since January 1, 2012, including, for each user ID identified on Attachment A, information pertaining to the following matters:

- (a) Trafficking in illegal drugs or the solicitation and sexual exploitation of minors to include but not limited to communications and photographs, email addresses, telephone numbers, physical or geographical locations, and identification of any additional profiles established or used by Margarito Maldonado-Ramirez a/k/a Cristian Ramirez.
- (b) Records relating to who created, used, or communicated with the user ID, including records about their identities and whereabouts.